

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**JOHN GOLDEN, JR., as parent and next
of friend to AMAILYA GOLDEN, a minor,**

PLAINTIFF

VERSUS

CASE NO.: 1:21cv378 HSO-RHWR

**FAMILY DOLLAR STORES OF
MISSISSIPPI, INC.,**

DEFENDANTS

NOTICE OF REMOVAL

**TO: CONNIE LADNER, CLERK OF COURT
Harrison County Circuit Court of Mississippi
Second Judicial District
730 Dr. Martin Luther King, Jr. Blvd.
Biloxi, MS 39530**

**TO: J. KNOX BOTELE, III (MSB #100192)
MATTHEW B. RICHARDSON (MSB #100262)
BOTELE RICHARDSON WOLFE
3290 Dauphin Street, Suite 505
Mobile, AL 36606
Email: knox@brwlawyers.com and mat@brwlawyers.com
Attorneys for Plaintiff**

NOW INTO COURT, through undersigned counsel, comes Defendant, Family Dollar Stores of Mississippi, Inc., (hereinafter, "Family Dollar") and files this Notice of Removal for this cause from the Circuit Court of Harrison County, Mississippi, Second Judicial District, in which it is now pending, to the United States District Court for the Southern District of Mississippi, Southern Division. This removal is predicated upon the fact there is diversity of citizenship between the parties in this litigation and the amount in controversy exceeds the federal jurisdictional amount, exclusive of interest and costs.

1. This case was commenced on October 25, 2021 in the Circuit Court of Harrison County, Mississippi, Second Judicial District, in which Plaintiff requests trial by jury in his

Complaint ("Complaint") (Exhibit "A"), which was served on Family Dollar Stores of Mississippi, Inc. on or about November 1, 2021.

2. This action is one of a civil nature for alleged personal injury due to an alleged slip and fall. Plaintiff alleges that Defendant was negligent by its failure to know or should have known about the alleged hazardous condition; failure to take measures reasonably calculated to remove the alleged danger or warn of its existence; that these alleged failures were a proximate contributing cause of Plaintiff's injuries.

3. Upon information and belief, Plaintiff and the minor child are residents of the Harrison County, Mississippi, as alleged in the Complaint.

4. At the time this lawsuit was commenced, Family Dollar Stores of Mississippi, Inc, was incorporated in the State of Virginia with its primary place of business Chesapeake, VA. (Exhibit "B").

5. The above-described action is one in which this court has original jurisdiction under the provisions of 28 U.S.C. § 1332. The amount in controversy exceeds the requisite \$75,000.00 for diversity jurisdiction. Plaintiff has alleged medical expenses of more than \$32,986.31; Plaintiff has alleged "... severe pain, emotional distress, and mental anguish related to the injuries she sustained."; Plaintiff has alleged "compensatory and punitive damages"; and Plaintiff's Counsel advised undersigned counsel that Plaintiff cannot stipulate to damages of \$75,000.00 or less.

6) The removing Defendant avers that on November 23, 2021, it has filed a Notice of Filing of Removal with the Circuit Court of Harrison County, Mississippi, Second Judicial District, pursuant to 28 U.S.C. § 1446(d).

THEREFORE, this Court has jurisdiction over this matter, as the parties are completely diverse and the amount in controversy exceeds Seventy-Five Thousand and 00/100 Dollars (\$75,000.00).

RESPECTFULLY SUBMITTED, this 23rd day of November, 2021.

Defendant, Family Dollar Stores of Mississippi, Inc.

By: /s/ William H. Eckert
WILLIAM H. ECKERT (MSB #102412)
MICHAEL J. TARLETON (MSB #101812)
ROY A. NOWELL, JR. (MSB #100768)
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CERTIFICATE OF SERVICE

I, **WILLIAM H. ECKERT**, do hereby certify that I have this day sent via electronic mail, facsimile, and/or CM/ECF filing system, a true and correct copy of the above and foregoing instrument to the following counsel of record:

J. Knox Boteler, III, knox@brwlawyers.com and Matthew B. Richardson, mat@brwlawyers.com.

SO CERTIFIED this 23rd day of November, 2021.

/s/ William H. Eckert
WILLIAM H. ECKERT